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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,021	03/22/2004	Nathanael F. Ehrich	RSW920040002US1	1974

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IBM CORPORATION - RSW (JVL)  
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EXAMINER
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SHIU, HO T

ART UNIT	PAPER NUMBER
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4152

MAIL DATE	DELIVERY MODE
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01/09/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/806,021

**Applicant(s)**

EHRICH ET AL.

**Examiner**

HO SHIU

**Art Unit**

4152

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 22, March 2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1- 27 are pending in this application.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al. (US Patent 6,138,155, hereinafter Davis).**

4. With respect to claim 1, Davis discloses a method comprising: receiving a contribution request over a computer network, the contribution request corresponding to a client (column 8, lines 5-11); including provider data and an embedded program in a contribution response (column 8, lines 12-15), wherein the embedded program is adapted to non-intrusively extract competitive data that is included in a page of data at the client (column 8, lines 18-26); and sending the contribution response over the computer network (column 8, lines 27-32).

5. With respect to claim 2, Davis discloses the embedded program is further adapted to analyze the competitive data, the analysis further including (column 13, lines 5-8): comparing the competitive data with the provider data (column 13, lines 5-8, lines

12-23); and changing the provider data in response to the comparing (column 14, lines 29-35, lines 39-42, lines 52-57).

6. With respect to claim 3, Davis discloses the embedded program is further adapted to send the competitive data over the computer network (column 8, lines 7-11).

7. With respect to claim 4, Davis discloses receiving the competitive data (column 14, lines 46-48); comparing the competitive data with the provider data (column 13, lines 5-8, lines 12-23); determining whether to change the provider data in response to the comparing (column 14, lines 52-57); changing the provider data in response to the determination, the changing resulting in changed provider data; and sending the changed provider data to the client over the computer network (column 14, lines 52-65).

8. With respect to claim 5, Davis discloses the contribution request is sent from a portal, and wherein the portal includes the provider data and the competitive data in the page of data (column 15, lines 11-16, lines 29-30, lines 64-67, column 16, lines 1-3).

9. With respect to claim 6, Davis discloses the competitive data is selected from the group consisting of a data value, a domain, a page position, and a display attribute (column 13, lines 5-24).

10. With respect to claim 7, Davis discloses the embedded program is further adapted to extract a provider page position, the provider page position corresponding to the location of the provider data on the page of data (column 13, lines 8-18).

11. With respect to claim 8, Davis discloses an information handling system comprising: one or more processors (column 7, line 41); a memory accessible by the processors (column 7, lines 42-43); one or more nonvolatile storage devices accessible by the processors (column 7, lines 47-55); and a competitive analysis tool for analyzing competitive data, the competitive analysis tool comprising software code effective to (column 13, lines 1-8): receive a contribution request over a computer network, the contribution request corresponding to a client (column 9, lines 5-11); include provider data and an embedded program in a contribution response, wherein the embedded program is adapted to non-intrusively extract competitive data that is included in a page of data at the client; and send the contribution response over the computer network (column 8, lines 12-32).

12. With respect to claim 9, Davis discloses the embedded program is further adapted to analyze the competitive data, wherein the software code is further effective to: compare the competitive data with the provider data (column 13, lines 5-8, lines 14-23); and change the provider data in response to the comparing (column 14, lines 29-35, lines 39-42, lines 52-57).

13. With respect to claim 10, Davis discloses the embedded program is further adapted to send the competitive data over the computer network (column 8, lines 7-11).

14. With respect to claim 11, Davis discloses wherein the software code is further effective to: receive the competitive data (column 14, lines 46-48); compare the competitive data with the provider data (column 13, lines 5-8, lines 14-23); determine whether to change the provider data in response to the comparing (column 14, lines 52-57); change the provider data in response to the determination, the changing resulting in changed provider data; and send the changed provider data to the client over the computer network (column 14, lines 52-65).

15. With respect to claim 12, Davis discloses the contribution request is sent from a portal, and wherein the portal includes the provider data and the competitive data in the page of data (column 15, lines 11-16, lines 29-30, lines 64-67, column 16, lines 1-3).

16. With respect to claim 13, Davis discloses the competitive data is selected from the group consisting of a data value, a domain, a page position, and a display attribute (column 13, lines 5-24).

17. With respect to claim 14, Davis discloses the embedded program is further adapted to extract a provider page position, the provider page position corresponding to the location of the provider data on the page of data (column 13, lines 8-18).

18. With respect to claim 15, Davis discloses a program product comprising: computer operable medium having computer program code, the computer program code being effective to: receive a contribution request over a computer network, the contribution request corresponding to a client (column 8, lines 5-11); include provider data and an embedded program in a contribution response, wherein the embedded program is adapted to non-intrusively extract competitive data that is included in a page of data at the client (column 8, lines 18-26); and send the contribution response over the computer network (column 8, lines 27-32).

19. With respect to claim 16, Davis discloses the embedded program is further adapted to analyze the competitive data, wherein the computer program code is further effective to: compare the competitive data with the provider data (column 13, lines 5-8, lines 12-23); and change the provider data in response to the comparing (column 14, lines 29-35, lines 39-32, lines 52-57).

20. With respect to claim 17, Davis discloses the embedded program is further adapted to send the competitive data over the computer network (column 8, lines 7-11).

21. With respect to claim 18, Davis discloses the computer program code is further effective to: receive the competitive data (column 14, lines 46-48); compare the competitive data with the provider data (column 13, lines 5-8, lines 12-23); determine

whether to change the provider data in response to the comparing (column 14, lines 52-57); change the provider data in response to the determination, the changing resulting in changed provider data; and send the changed provider data to the client over the computer network (Column 14, lines 52-65).

22. With respect to claim 19, Davis discloses the contribution request is sent from a portal, and wherein the portal includes the provider data and the competitive data in the page of data (column 15, lines 11-16, lines 29-30, lines 64-67, column 16, lines 1-3).

23. With respect to claim 20, Davis discloses the competitive data is selected from the group consisting of a data value, a domain, a page position, and a display attribute (column 13, lines 5-24).

24. With respect to claim 21, Davis discloses the embedded program is further adapted to extract a provider page position, the provider page position corresponding to the location of the provider data on the page of data (column 13, lines 8-18).

25. With respect to claim 22, Davis discloses a method comprising: receiving a contribution request over a computer network, the contribution request corresponding to a client (column 8, lines 5-11); including provider data and an embedded program in a contribution response (column 8, lines 12-15), wherein the embedded program is adapted to non-intrusively extract competitive data that is included in a page of data at



the client (column 8, lines 18-26), and wherein the embedded program is further adapted to analyze the competitive data, the analysis further including (column 13, lines 5-8): comparing the competitive data with the provider data (column 13, lines 5-8, lines 14-23); and changing the provider data in response to the comparing (column 14, lines 29-35, lines 39-42, lines 52-57); and sending the contribution response over the computer network (column 8, lines 27-32).

26. With respect to claim 23, Davis discloses an information handling system comprising: one or more processors (column 7, line 41); a memory accessible by the processors (column 7, lines 42-43); one or more nonvolatile storage devices accessible by the processors (column 7, lines 47-55); and a competitive analysis tool for analyzing competitive data, the competitive analysis tool comprising software code effective to (column 13, lines 1-8): receive a contribution request over a computer network, the contribution request corresponding to a client (column 8, lines 5-11); include provider data and an embedded program in a contribution response, wherein the embedded program is adapted to non-intrusively extract competitive data that is included in a page of data at the client (column 8, lines 12-32), compare the competitive data with the provider data (column 13, lines 5-9, lines 14-22), and change the provider data in response to the comparing (column 14, lines 29-35); and send the contribution response over the computer network (column 8, lines 12-32).

27. With respect to claim 24, Davis discloses a program product comprising: computer operable medium having computer program code, the computer program code being effective to: receive a contribution request over a computer network, the contribution request corresponding to a client (column 8, lines 5-11); include provider data and an embedded program in a contribution response, wherein the embedded program is adapted to non-intrusively extract competitive data (column 8, lines 18-26) that is included in a page of data at the client compare the competitive data with the provider data (column 13, lines 5-8, lines 12-23), change the provider data in response to the comparing; and send the contribution response over the computer network (column 14, lines 29-35, lines 39-42, lines 52-57).

28. With respect to claim 25, Davis discloses a method comprising: receiving a contribution request over a computer network, the contribution request corresponding to a client (column 8, lines 5-11); including provider data and an embedded program in a contribution response (column 8, lines 5-11), wherein the embedded program is adapted to non-intrusively extract competitive data that is included in a page of data at the client (column 8, lines 18-26); sending the contribution response over the computer network (column 8, lines 27-32); receiving the competitive data from the embedded program (column 14, lines 46-48); comparing the competitive data with the provider data (column 13, lines 5-8, lines 12-23); determining whether to change the provider data in response to the comparing (column 14, lines 52-57); changing the provider data in response to the determination, the changing resulting in changed provider data; and

sending the changed provider data to the client over the computer network (column 14, 52-65).

29. With respect to claim 26, Davis discloses an information handling system comprising: one or more processors (column 7, line 41); a memory accessible by the processors (column 7, lines 42-43); one or more nonvolatile storage devices accessible by the processors (column 7, lines 47-55); and a competitive analysis tool for analyzing competitive data, the competitive analysis tool comprising software code effective to (column 13, lines 1-8): receive a contribution request over a computer network, the contribution request corresponding to a client (column 8, lines 5-11); include provider data and an embedded program in a contribution response, wherein the embedded program is adapted to non-intrusively extract competitive data that is included in a page of data at the client; send the contribution response over the computer network (column 8, lines 12-32); receive the competitive data from the embedded program (column 14, lines 46-48); compare the competitive data with the provider data (column 13, lines 5-8, lines 14-23); determine whether to change the provider data in response to the comparing (column 14, lines 52-57); change the provider data in response to the determination, the changing resulting in changed provider data; and send the changed provider data to the client over the computer network (column 14, lines 52-65).

30. With respect to claim 27, Davis discloses a program product comprising: computer operable medium having computer program code, the computer program

code being effective to: receive a contribution request over a computer network, the contribution request corresponding to a client (column 8, lines 5-11); include provider data and an embedded program in a contribution response (column 8, lines 12-15), wherein the embedded program is adapted to non-intrusively extract competitive data that is included in a page of data at the client (column 8, lines 18-26); send the contribution response over the computer network (column 8, lines 27-32); receive the competitive data from the embedded program (column 14, lines 46-48); compare the competitive data with the provider data (column 13, lines 5-8, lines 12-23); determine whether to change the provider data in response to the comparing (column 14, lines 52-57); change the provider data in response to the determination, the changing resulting in changed provider data; and send the changed provider data to the client over the computer network (column 14, lines 52-65).

### ***Conclusion***

**31.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lundstedt et al. (US 2003/0154044)

Muret et al. (US 2003/0208594)

Kobayashi et al. (US 6694312)

Barsness et al. (US 2005/0018216).

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HO SHIU whose telephone number is (571)270-3810. The examiner can normally be reached on Mon-Thur (7:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on 571-272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HTS  
12/27/2007

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